

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Sabri Properties, LLC,

Civ. No. 18-3098 (MJD/HB)

Plaintiff,

v.

ORDER

City of Minneapolis,

Defendant.

Robert M. Speeter, Speeter & Johnson, Counsel for Plaintiff.

Sarah C.S. McLaren, Assistant City Attorney, Counsel for Defendant.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Hildy Bowbeer dated March 6, 2019 recommending that this Court grant Defendant's motion to dismiss. Plaintiff objects to the Report and Recommendation, claiming the Magistrate Judge's reliance on two Minnesota Court of Appeals decisions, In Re Kahn, 804 N.W.2d 132 (Minn. Ct. App. 2011) and Buchanan v. City of Minneapolis, 2011 WL 2982621 (Minn. Ct. App. July 15, 2011) pet. for rev. denied (Minn. Sept. 20, 2011), is misplaced. Plaintiff also objects to the Magistrate Judge's

recommendation to dismiss its claim that the Minneapolis Hearing Officer System violates state law, and its claim that the Defendant's procedures violates the right to a jury trial.

Pursuant to statute, the Court has conducted a de novo review of the record. 28 U.S.C. § 636(b)(1); Local Rule 72.2(b). Based upon that review, the Court will ADOPT the Report and Recommendation in its entirety.

IT IS HEREBY ORDERED that Defendant's Motion to Dismiss is GRANTED IN ITS ENTIRETY. Claims I, II and III are DISMISSED WITH PREJUDICE.

Judgment will not be entered at this time as there is a pending motion to amend the complaint.

Date: April 10, 2019

s/ Michael J. Davis

MICHAEL J. DAVIS

United States District Court